

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 78-40

NPDES NO. CA0028347

WASTE DISCHARGE REQUIREMENTS FOR:

DONALD L. HORNE, JOHN ROHAN, MARGARET MOORE, AND
JOHN CORBETT: OWNERS OF UNSEWERED
OAKLAND ESTUARY, OAKLAND, ALAMEDA COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region
(hereinafter called the Board) finds that:

1. Four (4) unsewered dwellings, located on Federal land in the southern portion of the Oakland Estuary, discharge untreated waste into the Oakland Estuary, waters of the United States. The owners (hereinafter called the dischargers) and their addresses are as follows:

<u>OWNER</u>	<u>ADDRESS</u>
Donald L. Horne (resides 129 Yola Court, Corte Madera, California	3219 Alameda Avenue Oakland, California
John Rohan	3221 Alameda Avenue Oakland, California
Margaret Moore	3223 Alameda Avenue Oakland, California
John Corbett	3225 Alameda Avenue Oakland, California

2. The Board adopted a Water Quality Control Plan for the San Francisco Bay Basin, in April 1975, which prohibits discharge of "untreated sewage to any waters of the basin."
3. The dischargers, on several occasions, requested to be connected to the City of Oakland's sewer system but were refused since the City alleged that the properties in question were not within the City's jurisdictional boundaries.
4. On September 3, 1975, and October 27, 1977, the staff of the Regional Board requested the present owners to submit applications for NPDES permits.

5. Beneficial uses of the waters of the Oakland Estuary and Central San Francisco Bay are:
 - a. Industrial water supply
 - b. Navigation
 - c. Recreation
 - d. Sport fishing
 - e. Wildlife habitation, and preservation of rare and endangered species
 - f. Marine habitat
 - g. Fish migration and spawning
6. The Board has notified the dischargers and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
7. The Board in a public meeting heard and considered all comments pertaining to the discharge.
8. The Board is not required to comply with the provisions of Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code (California Environmental Quality Act) as this is an NPDES permit and is exempt from such provisions per Section 13389 of the Water Code.

IT IS HEREBY ORDERED that the owners of the unsewered dwellings located at 3219, 3221, 3223, and 3225 Alameda Avenue in Oakland, pursuant to the provisions of Division 7 of the California Water Code, and regulations adopted thereunder, and to the provisions of the Federal Water Pollution Control Act, as amended, and regulations and guidelines adopted thereunder, shall comply with the following:

A. Discharge Prohibition

1. The discharge of waste to the waters of the United States is prohibited.

B. Provisions

1. The dischargers shall comply with the following time schedule to assure compliance with Prohibition A.1.:

<u>Task</u>	<u>Completion Date</u>	<u>Report of Compliance Date</u>
a. Submit a program of compliance with A.1. above which is acceptable to the Regional Board and which includes a time schedule for termination of all discharges into the waters of the United States	December 15, 1978	January 1, 1979

<u>Task</u>	<u>Complete Date</u>	<u>Report of Compliance Date</u>
b. Complete implementation of compliance program and fully comply with this Order	June 15, 1979	July 1, 1979
2. This Order includes the attached "Standard Provisions" for Minor Dischargers dated October 15, 1975, to be modified by the Executive Officer to fit the circumstances in this case.		
3. This Order expires on August 21, 1979.		

I, Fred H. Dierker, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on June 20, 1978.

This Order shall serve as a National Pollutant Discharge Elimination System Permit pursuant to Section 402 of the Federal Water Pollution Control Act, or amendments thereto, and shall take effect at the end of ten days from date of hearing provided the Regional Administrator, Environmental Protection Agency, has no objections.

FRED H. DIERKER
Executive Officer

Attachment:

"Standard Provisions for
Minor Discharges" dated 10/15/75

STANDARD PROVISIONS
FOR MINOR DISCHARGES
OCTOBER 15, 1975, AS
MODIFIED BY THE
EXECUTIVE OFFICER

1. The dischargers shall permit the Regional Board to sample discharges from the dwellings at reasonable times.
2. After notice and opportunity for a hearing, this Order may be terminated or modified for cause, including, but not limited to:
 - (a) Violation of any term or condition contained in this Order;
 - (b) Obtaining this Order by misrepresentation or failure to disclose fully all relevant facts;
 - (c) A change in any condition pertaining to the dischargers.
3. In the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the dischargers, the dischargers shall notify the succeeding owner or operator of the existence of this Order by a letter, a copy of which shall be forwarded to the Board.

APPROVED:

FRED H. DIERKER
Executive Officer

DATE: _____